

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 14-4650
(3:13-cr-00558-TLW)

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

LELAND VICTOR NIELSEN III,

Defendant-Appellant.

MOTION FOR EXTENSION
OF TIME TO FILE
DEFENDANT-APPELLANT'S
REPLY BRIEF

NOW COMES Defendant-Appellant Leland Victor Nielsen III, by and through his undersigned counsel, and respectfully moves this Court pursuant to Rule 26(b) of the Federal Rules of Appellate Procedure for a 21-day extension of time in which to file his Reply Brief with this Court. In support of this motion, Defendant-Appellant shows the following:

1. On March 4, 2015, Appellee filed its brief and a supplemental joint appendix.
2. Pursuant to the Order of this Honorable Court, Defendant-Appellant has ten days in which to file a reply brief.
3. Defendant-Appellant is currently incarcerated in United States Penitentiary Tucson in Tucson, Arizona; therefore, the Appellant and undersigned have had to communicate by means of telephone and mail, leading to delays.

4. Defendant-Appellant expressed a desire to the undersigned to review Appellee's brief and to be involved in the details of reviewing any reply brief that is submitted.

5. The undersigned anticipates that he will be unable to meet the March 14, 2015, deadline, as he needs more time to sufficiently communicate with Defendant-Appellant and to secure Appellant's approval for the final brief.

6. Accordingly, an extension of time to file the Defendant-Appellant's Reply Brief is warranted.

7. Counsel for Appellant has contacted Counsel for Appellee, who consents to this Motion.

WHEREFORE, Defendant-Appellant respectfully requests that this Court enter an order granting a 21-day extension of time in which to file Defendant-Appellant's Reply Brief.

Respectfully submitted, this the 10th day of March, 2015.

s/C. Fredric Marcinak

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Attorney for Defendant-Appellant

Leland Victor Nielsen III

CERTIFICATE OF FILING AND SERVICE

The undersigned counsel for Leland Victor Nielsen III hereby certifies that a copy of the foregoing Motion for Extension of Time was filed on the 10th day of March, 2015, with the Fourth Circuit Court of Appeals using the CM/ECF system and that electronic service will be made as follows:

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